

# Digital music

## Opening a new dimension to digital music recording

It originates in a studio, is transmitted via satellite to cable companies throughout the country and is ultimately received in homes through cable lines. A new kind of pay TV channel? A little yes and a little no.

In definitive terms it is the Home Music Store, a pay cable audio service offered by the Digital Music Company. Slated to begin operation this month, the Home Music Store has enough revolutionary aspects about it to cause a great many ripples through the audio and video industries, both on production and retail levels.

William von Meister, a 39-year-old electronics whiz, is the man behind the project. Working primarily out of his Washington, DC, area office, he has spent the past year-and-a-half working on the design for the buy-albums-through-the-air firm.

Specifically, what the Home Music Store will do is distribute high-quality music directly into the home by satellite and cable. The system will work from a California studio that will program eight different channels of music, each channel being a stereo pair.

The programming is then multiplexed, combined onto a single, high-speed digital data stream (14 million bits per second) and sent up to a satellite. The sig-

nal is uplinked to a full transponder and is received by the cable operator in much the same way HBO is received. The incoming digital signal requires a different receiver and modulator.

The signal is then remodulated at cable frequencies, still in the digital mode, until it gets into the home. Once in the home, it comes off the cable onto a decoder, which selects the appropriate channel. The signal is inverted from digital to analog and onto hi-fi or stereo system.

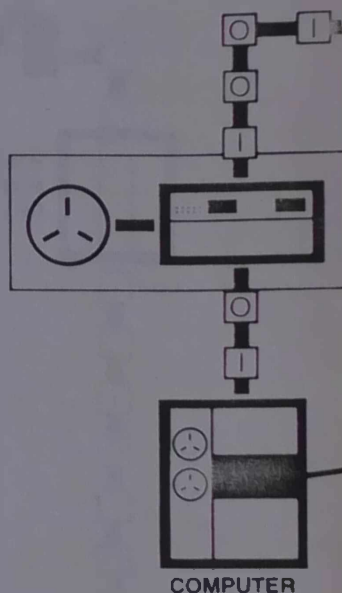
Of primary importance is the fact that this system is a pay TV system. It is subject to all the audience standards set for pay TV by a cable audience, only it is dramatically non-visual. According to von Meister, studies done on his company's behalf show that fact nets very favorable results.

"All the surveys show people want a good movie package. No question about it," von Meister said. "Then, they want a good sports package or a good music package. After that, they want a good alternative. As a result, we think we could be the number two or certainly the number three service on a system."

What exactly is the service? For \$9.95 the cable subscriber gets the decoder, called the Home Music Machine, and five commercial-free channels 22 hours per day. They'll be classical, jazz, rock,

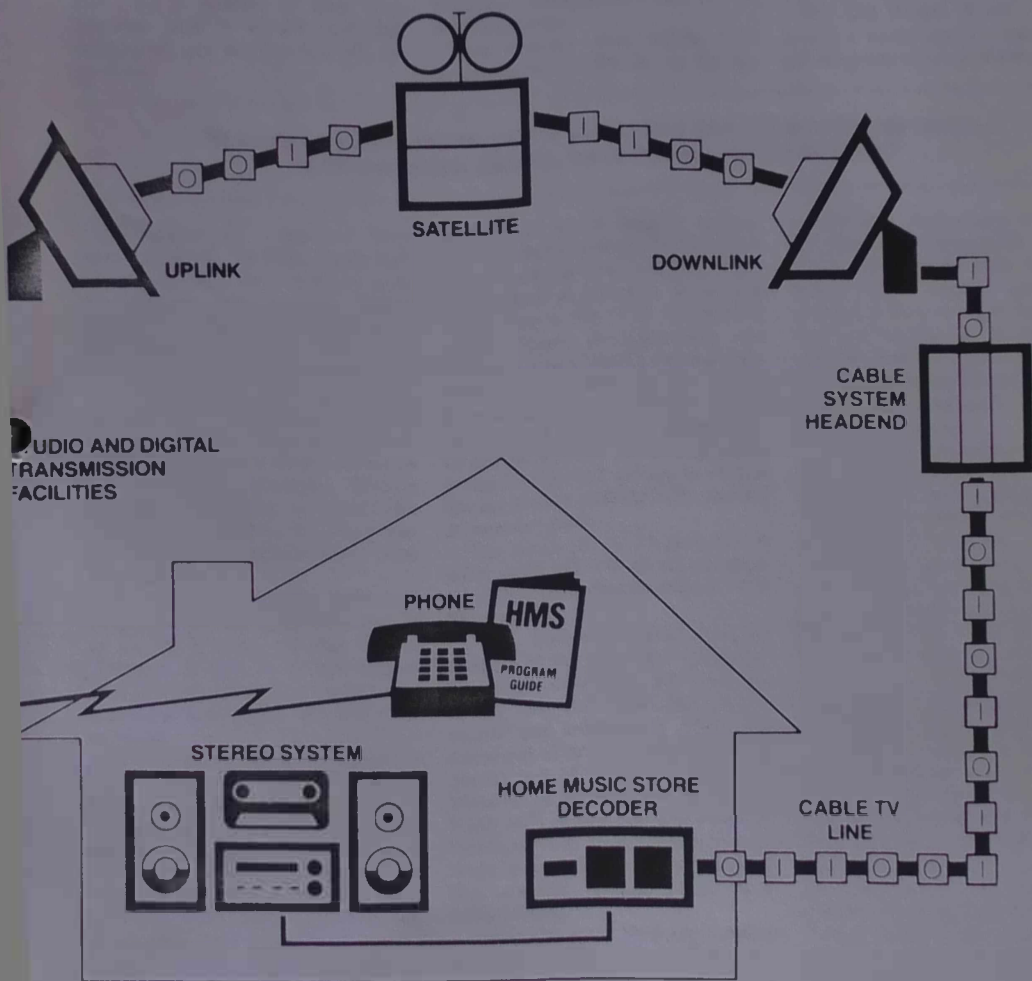
country and beautiful music/adult contemporary. These channels will not be album oriented, but rather will be presented in an FM-like manner. In order to discourage taping, music will be played in 20-minute segments and back announced. That would be the basic service.

There are three other channels that make up the real key to the service. One is a preview channel. Each month, subscribers will receive a catalog called the Home



# ...direct

by Joe Allen



AUDIO AND DIGITAL  
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Music Guide, featuring the nearly 400 different albums available for sale each month. The preview channel will present, in mono, sample selections and information about the releases.

If a subscriber wants to pur-

chase an album, he calls the Home Music Store computer at a toll-free telephone number, dials in his account number and the album number he wants to purchase. The computer bills either the customer directly or via major

credit card. Each album is available for taping eight times during a month.

"You can set up your tape deck and at that time we will automatically de-encrypt that particular album. In other words,

switch your encoder to the particular channel and you get a studio, master quality recording," von Meister said. Albums are received over one of the remaining two channels of the 8-channel system.

Each album will cost from 20 to 60 percent less than retail list price, according to von Meister. However, the subscriber must provide his own cassette.

The early stages of a system like this do not come easy, or inexpensive. As a matter of fact, von Meister said it would cost \$20 million to get the service off the ground.

their record clubs, retailers went bananas," von Meister said. "They said they were going to be put out of business. That was 15 years ago, when the industry was around \$1 billion. It's 15 years later and the record clubs have nine or 10 percent of \$4 billion per year. So the industry grew, the public's awareness grew and the record clubs and the retailers prospered. If in my wildest dreams, I saw us doing what the record clubs do, say \$400 million, it still wouldn't really make a dent in the retail business."

Von Meister also claims that money spent on the Home Music

pay subscriptions a cabled consumer can tolerate. "If you're a video service, you're competing with other video services for the time a family can watch television. There's a limit to the amount of time they have to watch. With the music service, we're the only game in town. We're not competing with the same group," he said.

Because the service attracts a public already prepared to purchase music, it is not new money. It's money already being spent.

For the Home Music Store to avoid a rocky beginning, it must get the cooperation of record com-

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**"If you're a video service, you're competing with other video services...  
With the music service, we're the only game in town."**

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In order to transmit any material at all, satellite space had to be secured. Estimated to cost six figures per month, Home Music Store has contracted with American Satellite Corp., co-owned by Fairchild and Continental Telephone, for space on Westar IV. According to von Meister, he has been guaranteed space on Westar V if that becomes the primary Western Union satellite. "Of course, we want to be on the same bird as the other major cable programmers," von Meister said.

As for the studio that will originate all the programming, it is set for Marina del Rey in Los Angeles. It will be 40,000 square feet in size and will be broken into automation and production studios.

"It's going to be as automated as we can make it. It will all be under the control of the computer system. But, we need production studios for cutting and splicing. As we program the listening channel, it's like programming a radio station. You need announcers, engineers, cart people and so on," von Meister said. Currently, Digital Music Company carries 17 employees, a figure that will swell to 150 by year's end.

Retailers are obviously not happy with the Home Music Store. Von Meister created an analogy with the birth of record clubs years ago.

"When CBS and RCA started

Store product is largely money that wouldn't ordinarily be spent in record stores anyway. He claims that a majority of record buyers are in the 12 to 19-year-old range. Those demographics are different from HMS's demographicism, which are in the 25 to 50-year-old range. What's more, the record industry shows between 50 and 60 percent of sales being in the rock category. Home Music Store's catalog will contain 20 percent rock.

"We think up to 75 percent of what we'll sell will be supplemental rather than displacement," von Meister said.

That concept also carries through to the pay cable question. The cable company will earn between two and three dollars per month per subscriber. That will come out of revenue sharing and a percentage of records sold. If von Meister is correct in assuming HMS will be the number three or better service, by his own calculations it will garner 20 percent of the cabled homes that are subscribers.

"According to Nielsen studies done for us, 40 percent of eligible but non-subscribing households would subscribe to cable if our service was available," he said. "If that's the case then the cable companies make out like bandits because every new subscriber is worth \$800 to \$1000 to them."

Even von Meister concedes there is a limit to the number of

panies and find a way to smooth the rough relations with retailers. HMS wants to be able to license music from record companies, receive a master tape from them and go to work. It would be simpler and far less complicated. However, even without the record companies' blessings, HMS can still get under way.

"If we can't license the music," von Meister said, "we can be a type of radio station playing music under performance licenses from ASCAP, BMI and SESAC."

Von Meister stressed his desire to avoid copyright problems. "The license question concerns taping for commercial use or distribution. We want to discourage that. It's not a license for taping anything except material for one's own listening pleasure," he said.

To that end, Digital Music Company will insert a special code on each piece of music it plays. They call it SNIT (Signature Insertion Technology). Every time a piece of music comes out of a decoder, it will have the customer's decoder number buried in it. The listener can't detect the number, but if a customer tried to make 1000 copies of a particular piece of music and attempted to sell it, the FBI or other enforcement agency could put an impounded copy through a box and instantly see where the illegal copies were made.

The Home Music Store will inaugurate operations this month.

There will be six markets slated for initial tests. The company will seek smaller markets for the test and will probably use Peoria, IL; Arlington, VA; Tulsa, OK; a Southern Connecticut community; and Hayward, CA.

Von Meister said the Home Music Store benefits virtually all ends of the musical-selling spectrum. "If you tape an album from a friend, everybody loses. The record company loses, new artists, retailers and the consumer himself. Record companies won't have the funds for new artists and chances are the consumer will get an inferior product from taping someone else's copies," he said.

In addition to regular programming supplied each month, Home Music Store will present eight special events. One type of event would be a major concert. Von Meister said HMS would tape a concert both for audio and video. If the cable company has a spare video channel, both the audio and video will be sent. He estimated the charge for such an event would be \$7.99. If only an audio channel were available, it might cost \$4.99. Beyond that, plans are in the works for special events on people in the music industry.

Providing video may prove to be a sore spot for the company. "The video is not digital," von Meister said. "That could be a problem. If we do any video at all it will be our own. There are some expectations, such as, say, the Grammy Awards. I would have loved to license the night Barbra Streisand and Neil Diamond sang *You Don't Bring Me Flowers*. Maybe do a little editing on it and if we thought there'd be a demand, distribute it through our channels."

The company's president estimates he has a 3-year lead on potential competitors.

"To be competitive in this business is a whole different technological question," he said. "It's not difficult to package a whole bunch of movies and see if you can sell them as this movie channel or that. Of course, how you program it and market it would make a big difference. There's no technological hurdle in sticking a videocassette recorder and an uplink on line and play movies all day long. There's some extremely high technology here.

It's going to be very hard for somebody to emulate it."

On the surface, the Home Music Store appears to be an attractive service. Whether it can withstand opposition from retailing organizations who have already tried to lobby against it with the record companies is a valid question. More valid is whether the record companies will sign up en masse to license their catalogs. Von Meister concedes that only one major label has expressed willingness to sign an agreement.

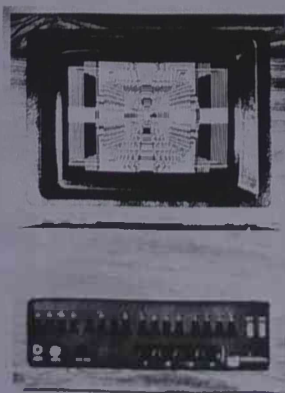
The service can only be successful if cable operators are willing to make it part of their package. Another valid question.

Ultimately, however, the success of the Home Music Store is in the hands of the people living in the homes it is trying to reach. Von Meister and associates are betting \$20 million on the fact that cable subscribers can find a place for one more pay TV service or see HMS as being radically different from the others offered at present.

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# Audio for today's video

By Carl Bentz, technical editor

## Truer sound reproduction a frequent need for quality audio transmission

The first uses of radio transmissions for spoken human intelligence involved AM technology. In AM (amplitude modulation) the amplitude of a radio frequency carrier is varied in accordance with amplitude of the program audio intelligence. AM broadcasting would blossom over the years, but it would never fully dispel two drawbacks. The audio bandwidth capability is limited, due to restrictions placed on AM broadcasters' spectrum assignments. The result of that limitation is heard as poor fidelity, though that drawback may be hidden in the most common use of AM radio today—the car radio receiver. Generally, AM receivers are so

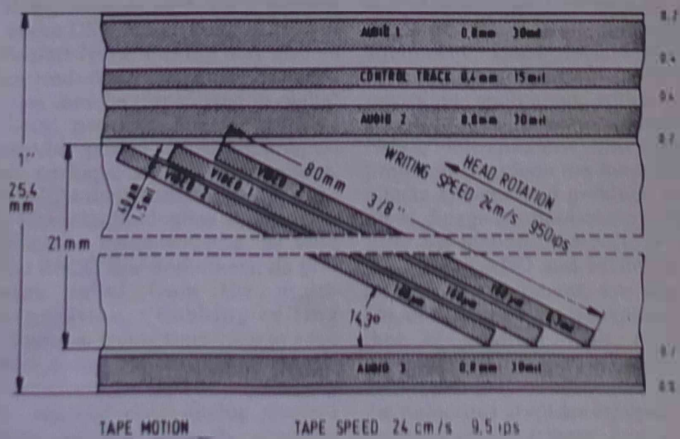
cheaply constructed that quality is degraded even further. If the bandwidth was not limited, unacceptable interference between stations would result. A second problem with AM radio is interference created by both natural and man-made phenomena. Electrical devices and atmospheric disturbances cause static and noise, often destroying the communications value of the AM service.

FM (frequency modulation) broadcasting followed the development of AM. This new method showed a great immunity to radio noise, but did provide some other minor problems all its own. Advances over the years have developed FM into a radio

transmission medium for reasonably high fidelity music use. More progress in audio quality resulted from noise reduction systems introduced by the dbx and Dolby companies, among others. The intent of these systems is largely to counteract noise sources, such as the residual noise signals derived from phono disc and magnetic tape materials.

While almost every FM station today transmits stereo programming, continued progress has generally been halted. An attempt several years ago to introduce 4-channel audio met resistance. Because the home receivers would necessarily be designed to handle phonographic use as well as the FM, problems arose when each of the proponents—CBS SQ-encoding, RCA CD-4 encoding and other 4-channel disc systems and 4-channel discrete audio tapes—was touted as the only "workable," "quality" or "realistic" systems. Compatibility with existing stereo receivers was certain, but the relative incompatibility of the several encode/decode methods of 4-channel reproduction resulted in a withdrawal by all users. Today, 4-channel broadcasting is a dead horse, for all practical purposes.

U.S. television uses FM transmission for the aural signal. It does benefit from the noise immune qualities of the FM, but the audio bandwidth is restricted downward from regular FM broadcast services. Some use of audio processing equipment generally raises the modulation



The standard for 1-inch video recording includes a third audio channel. Channels 1 and 3, being along tape edges, are prone to physical tape damage, which may destroy or reduce quality sound.

level of the signal, but that guarantees no increase in quality, as evidenced in the modulation wave carried on by today's rock format radio stations. In fact, quality, over all, is reduced, because dynamic range of program material is reduced through compression and limiting systems. Unfortunately, one of the greatest attributes of quality audio is dynamic range.

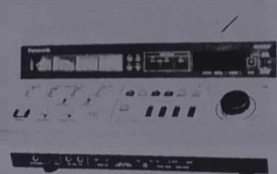
During the last several years, digital techniques have been introduced into audio technologies in tape and disc mastering. Production mastering in digital increases signal-to-noise ratios and significantly widens the dynamic range of the recorded materials. The equipment is rather expensive, however, and the final transmission of the materials must eventually resort to analog methods, which reintroduces noise, dynamic range and bandwidth reduction. Generally, most gains made with the digital steps are lost in the translation of broadcasting. Only by bypassing the broadcast chain, playing discs or tapes on a home system, may the audiophile start to hear the vast improvement that is possible.

Digital mastering does provide some benefits over normal analog mastering if a lot of editing and dubbing might be required. If the master is digital, then any number of generations can conceivably be made with almost no loss of quality. Mixing is possible of many sources with such systems as the DSP series equipment from Rupert Neve. Editing may also be carried out. The final program then may be transferred to digital discs, perhaps, but generally to regular phono discs, audiotapes, or perhaps, for lucky programs, satellite distribution systems.

Other technological advances in machine synchronizing, as with the EECO line and others, do provide relief from the multi-generation, dubbing/editing dilemma. Using time code to keep everything in step, the various audio sources and/or tracks may be sourced onto analog masters with mixing through synchronized machines and automated mixing/editing systems into a completed audio track to be applied directly to the final editing version of the video program.

Such operation provides a single generation onto the completed program tape. But the final listener quality will still be plagued by the problems of home players and receivers.

In late 1981, efforts by the AES and SMPTE organizations did produce some agreements toward the use of a tentative standard digital sampling frequency of 44.1kHz. The arrival at a sampling compromise signals the possible rapid development of digital audio systems. It is likely that a number of all digital production houses will emerge within the next several years. When that happens, at least source materials should provide greater quality and may force equipment designers to look for



U-Matic VCRs, Beta and VHS systems, and this Panasonic NV-8500 Omnivision II editing VCR, have dual audio channel capability. One channel lies along the edge of the tape and is prone to problems. Note that Dolby noise reduction is included, again a common addition to current equipment.

improvements in the transmission links and receivers.

Video systems have used some digital techniques for a number of years in time base correction equipment. These devices stabilize the video signal from video recording equipment which inherently is mechanically unstable. Newer introductions into video production include the incredible effects systems and graphics arts areas. Image manipulations in the Vital SqueezeZoom, the NEC DVE, the Ampex ADO and MCI/Quantel Mirage equipment, for example, demonstrate the transparency that is possible with digital methods. Magnetic disc recording techniques may be combined with the numerous graphics equipment to store single frames and animated sequences. Such reproduced video from the Ampex ESS2 digital production system, the Harris IRIS II (Information Retrieval Information Store) sys-

tem, the Okta BDR series, Eikon Video's 16-10/10 or 18-10 machines, Precision Koku's Image Maker line and a newly introduced system from Janel Engineering is every bit as good, if not better, than 1-inch and 2-inch videotape reproduction of a still image. Animations are also of high quality, though a sequence requires more disc space than the same time frame would need on videotape.

Digital designs are found in video switchers as well as video processing systems for color correction and noise reduction. Such equipment has been available for at least two years from Philips Broadcast Division and Thomson-CSF Broadcast. Still, even video must return to analog signals before transmission either by the land-based TV station or by the newly approved DBS satellite relay. Improved input to the transmission system does result in a better output, but faults continue to be introduced even by the newest and best transmitters, degrading the final product. Home receivers add an ever greater share of degradation.

Least one should give up in despair, however, for audio to ever match video, several general trends should be noted. All U-matic VCRs, all type B and C 1-inch VTRs and some models of the ½-inch VHS and Beta VCRs now include at least two audio channels, should the producers desire to use them. For in-house reproduction, at least, such machine facilities do allow program audio enhancement with stereo. Using that extra channel in TV broadcast looks straight into a cauldron of technical troubles. The NTSC television standard does not currently provide for the needed spectrum space to easily add dual audio, and if the space was available, none of the receivers in homes would decode two channels. To surmount that problem there has been an increase in FM/TV simulcasting of fine arts and some popular programs by PBS affiliates and cooperating FM broadcasters (both NPR and commercial). Unfortunately, the budgets of many of the PBS stations and small FM stations do not include financing for the DATE

decoder equipment for network-produced stereo audio on symphonic concerts, opera telecasts, country music programs and other offerings. For the same reason, a matched telephone pair or an aural STL capable of stereo between the TV facility and the FM control point are often lacking. TV/FM simulcasting does give improvements in audio, even if it is in monophonic sound, however, due to the wider audio bandwidths available on a properly balanced telephone line and the generally better quality audio system and speakers of even an inexpensive home FM receiver (when compared to the poor quality audio circuitry and speakers typically used in TV sets).

In the United States, several other developments have made some improvements in audio reception. A number of satellite services, primarily for radio networking and CATV distribution, have become available. Several movie channels now include stereo audio, if the cable operators are willing to expand their equipment investments. Two companies, Leaming Industries and Wegener Communications, in cooperation with Warner-Amex, RKO and others have developed stereo audio operations for CATV use. The home subscriber must request an additional hookup for his FM stereo receiver to take advantage of the new sound. There have been troubles in CATV carriage of FM signals, though. Poor CATV construction practices, haphazard maintenance techniques, and generally environmentally-caused problems have resulted in decreased FM quality in many instances. Therefore, the value of TV stereo via cable from those satellite TV sources remains to be seen.

The radio networks have found vastly improved quality in their installation of Harris, California Microwave and other satellite receiving equipment over their previous telephone/landline network interconnections. Just as the PBS and NPR public broadcasters discovered, via satellite, not only is reliability of the source increased so are bandwidth and noise characteristics of the program material.

Meanwhile, the United States

has been left far behind in progress. Germany and Japan have already started transmitting improved stereo television sound. First, the NHK (Japan Broadcasting System) in Tokyo uses dual-channel audio on a variety of TV programming. Symphony concerts and other musical events benefit greatly from the binaural capabilities. Such facilities are not of great value in dramatic or theatrical programming, however, as Yoshiaki Inamoto, NHK representative, explained to SMPTE television conferees in Nashville, TN, in February 1982. Because of problems of psychological perspective that viewers would expect with a change in camera shots, dramatic event stereo is



The control panel of the RCA TR-800 included individual metering for each of four audio channels. Spec sheets listed information for tracks 1 and 2. If track 3 is given it shows reduced capabilities. Nothing was given for track 4.

seldom used. The audio point-of-view becomes critical to program enjoyment, and any real enhancement value is lost, if the voice of the actor at screen left remains in the left speaker, as the camera position then changes to place that actor at center or screen right. Handling such problems in a live production approaches the impossible. Even in post-production situations, the spatial location of a voice to match the visual image presents vast difficulties.

The dual audio in Japan finds several other intriguing uses, however. Millions of baseball viewers find that stereo audio, or at least the play-by-play and color commentaries, on one channel, with ball park background pickup on the other, is a generally enjoyable improvement over monaural audio. Sumo wrestling is also transmitted in stereo with the wrestlers' grunts and groans spread from right to left. Most valuable for communication, however, is the use of dual audio

on news casts. One channel carries Japanese audio. The other often English or another language, giving students and non-Japanese speaking viewers the chance to practice translations and understanding.

1981 also found the Montreux conference to be a willing preview audience for the September 1981 launch of dual sound in Germany and surrounding areas. A cooperative effort by West German's Second Program (ZDF), the Federal German Postal Authority, the Association of German Broadcasters (ARD), the Institute for Broadcasting Technology (IRT) and German electronics manufacturers, primarily Rohde & Schwarz, Siemens and the Standard Elektrik Lorenz division of ITT provided an introduction of dual-channel sound for the 12th international television conference. The "poor relation" to the television picture is expected to be used for presentation of stereo, when the source is available and the use is appropriate, or for dual-language programming, particularly because Europe does include a number of different languages within a relatively small geographic area.

What about the United States? While the audio signal spectrum of the NTSC standard is limited in bandwidth (and dynamics), an additional signal could be multiplexed into it, similar to regular FM broadcast. The result would be an even greater reduction in quality. On second thought, the 4-inch speakers commonly used in TV receivers probably wouldn't show us a difference anyway. Both the Japanese and German systems had the advantage of more spectrum to start with, so any required reduction was not as critical. Yet, all is not lost, because some efforts are being made to improve our situation. Meanwhile, video professionals may well have to await DBS and HDTV transmissions, if a number of technical problems in those systems are ever ironed out. Perhaps then, if we are willing to spend extra money for our own satellite receiving systems and newer designed TV receivers, we may really get a chance to experience audio for today's (rather, tomorrow's) video.



# question & answer

Answers to this month's Q&A were written by the legal staff of Clearing House Ltd., Ronald Gertz, president, 6605 Hollywood Blvd., Suite 200, Hollywood, CA 90028.

## Owner loan

**Q:** Who owns the music I wish to use?

**A:** This is a very difficult question to answer because several people can collaborate to create a single song. Further, a copyright can be divided into separate parts with each part owned either individually or by several parties. Generally, a writer sells the copyright to his song to a music publisher, who pays the writer royalties derived from its exploitation. If the writer is an employee of the publisher, the publisher usually owns the work for the life of the copyright and it is the publisher, not the writer, who has the authority to grant permission for its use.

In other cases, the publisher owning the copyright may be contractually required to ask for the writer's approval before allowing its use. It is possible to divide ownership of a copyright by percentages or territories so that one publisher could own rights in the United States and a separate publisher could own rights for the rest of the world. The people who own music copyrights frequently assign the right to grant permission and the right to collect royalties for specific types of rights to outside agencies who do the collecting and paperwork for them. This may result in situations where several parties just agree to the license, thereby increasing the difficulty in obtaining clearance.

## Clearing-up clearance

**Q:** Exactly, what is music clearance?

**A:** It is the process of determining exactly who owns the copyright to any given musical material, and then negotiating permission for use of that material either on a United States or worldwide basis, in exchange for the payment of a license fee to the copyright owner. These steps should be taken before recording, in order to eliminate songs which are either too expensive or which the owners do not want used. After editing is complete, a music cue sheet must be prepared and distributed, the license fees must be paid and the formal contracts granting the rights must be executed. There are no set clearance patterns, for each composition brings with it a unique set of legal and business affairs problems, which should be addressed and resolved before production begins. For example, some musical compositions, while popular and in general use, in areas such as radio

broadcast or nightclub performance, are not available (at any price) in certain other media applications, either due to the writer's wishes or restrictions in earlier contractual arrangements. Unauthorized use of such material in a production could result in an injunction blocking the exhibition of the entire program, as well as other financial penalties, until the uncleared material is removed.

## Producer as user

**Q:** As a producer, what are my responsibilities for clearing the music used in my television project?

**A:** Both as a matter of copyright law and the producer's own distribution or exhibition agreements, it is the producer's responsibility to secure the clearance of musical material used in his television production. This is required to avoid liability for copyright infringement, to meet delivery requirements, and to comply with errors and omissions insurance procedures.

Failure to properly clear copyrighted musical material can result in substantial copyright infringement liability, legal fees, and the very real possibility of massive re-editing of the finished program before it can be released. Once the material is properly cleared, it can be used to the full extent of the license terms and thereby represents a one-time cost item to the producer.

## Song wrongs

**Q:** What happens if I use a song without clearing it?

**A:** If no one ever catches you—nothing. However, if the matter is brought to the attention of the copyright owner, you, as the producer of the film or television project, can be held liable for copyright infringement. Under the Copyright Act, an infringer is liable for both the damages sustained by the copyright owner, and the profits resulting from the unauthorized use of the protected material. Even if the copyright owner cannot prove what the damages or profits are, he can still be awarded substantial damages as set forth in the Copyright Act. While litigation is usually a last resort, you may find yourself either paying an out-of-court settlement to the copyright owner, or going back to your finished program and making extensive changes to remove the uncleared material. A producer with a completed project from which release prints or dubs have already been made, might find himself incurring costs that vastly exceed what the original clearance and license fees might have been.



## question & answer

### License labyrinth

**Q:** If I obtain a license to use a film or tape clip in my show, will that license include the right to use the music contained on the soundtrack?

**A:** Generally, no. Film clip licenses are usually granted with the user acknowledging that he or she will be responsible for obtaining all third party rights and clearances. The film clip owner may not own the music, or may have acquired rights for its use in his production only. Therefore, if the music on the soundtrack is not specifically covered in your film clip license agreement, it is your responsibility to obtain additional clearances for its use in your project. The music publishing division of a motion picture company and the production or publicity division of the same company may have completely different outlooks on what you may or may not use.

### Lyrical liable

**Q:** May I change a lyric to an existing song?

**A:** Not unless you obtain specific permission from the copyright owner for the right to adapt the song, as previously discussed. Any change in the material from its original form must be cleared.

### Freebie fare

**Q:** What about the old songs? Aren't these songs in the public domain, and free to be used without restrictions?

**A:** There is a small amount of music for which all copyright protection on a worldwide basis has lapsed. Some musical material which may be in the public domain in the United States may still be protected. However, under foreign copyright laws, the use of such material will limit the exploitation of the television or motion picture project incorporating the material to United States distribution only,

unless a license is obtained for exploitation throughout the rest of the world. With the changes in the United States Copyright Law that became effective Jan. 1, 1978, some older material has had its protection extended, and the worldwide rights problems has become even more complicated. It can take almost as much time and effort to determine whether a composition is in the public domain as to clear one that is not.

### Tune tag

**Q:** How much will it cost to clear a song for use in my television or film project?

**A:** This depends on a number of factors, including the nature of the clearance you are attempting to obtain. Many television producers can get by with a three or five year synchronization license for just the United States; others need worldwide rights with possibly longer terms. Motion picture producers must make sure that they obtain perpetual worldwide motion picture rights as well as television rights for eventual domestic and foreign syndications.

The new technologies (cable, disc, VCR etc.) have complicated the matter even further, and the rights for these areas must now be obtained on a medium by medium basis. There is no established pattern for these fees, as they vary from composition to composition and must be computed separately for each project's specific rights and releasing requirements. Certain well-used patterns have evolved into what could be called "industry practice", but even with these there are variations in specific cases.

The Clearing House Ltd. maintains a staff of professionals specializing in music, literary, film clip and ancillary rights clearances. It is a single-point producer service for the acquisition of all types of rights and clearances.

Service fees are based on various factors, such as program length and the complexity of clearance to be accomplished. Actual license fees are negotiated as favorably as possible.

Address your questions to: Q&A, Video Systems, P.O. Box 12901, Overland Park, KS 66212.

## \* News Note

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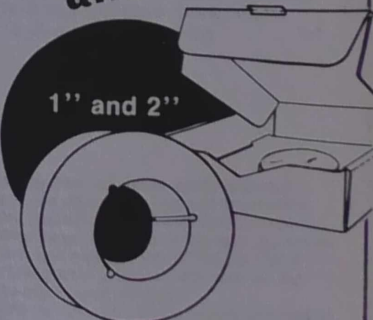
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# viewfinder

## A window of awareness

By Bill Dear

There is something going on in the growth of video music. The old adage that all that is necessary is to point the camera at the performing group and literally take a picture of them doing a song has changed.

Video music is in many ways a redefinition of the American musical, which was one of the uniquely American contributions to cinema. It's not a dying art form, as some people in the industry have predicted. New musicals have come along in the last few years that dispute that statement. The bizzareness of *The Rocky Horror Picture Show*, for example, was very refreshing. That movie took classical musical comedy and rock 'n' roll theater, and combined them.

It's what the record companies are asking for that determines what the video will be. If it's just a recording or a promotional tape, that's what they'll get.

I don't think that, at this point, a good video piece really helps sell a song, except for the fact that it is another window of awareness, like advertising. Good video on a single does not necessarily mean that album sales will jump. I see it as a sort of accessory to the album sales.

One of the arguments I get into about video music is that it is not something that can be watched more than two or three times. One way I overcome this is by shooting everything in film, to establish a fantasy veil between the viewer and the audience that video, until I can be comfortable with high resolution, doesn't have. Then, I build in as many layers as I can to fit our time and budget restraints.

Sometimes, elements for the different layers come from the production crew. Our filmmaking group is very much a repertory group, where the person who's bringing in the coffee and donuts in the morning may either jump in and play a part deep in the background or come up with an idea, and bring in a little nuance to the set that is acceptable for the creative process. We try to let everyone contribute, but we still maintain a clear direction of where we're going. These different levels of things both in nuance and hard visuals allow the piece to be viewed over and over again.

I strongly believe in this kind of approach to video music production, where like in filmmaking, we have a feeling for rewarding those audiences that are going to sit down and take their time and let the theater spend their money. We have to give them a little bit of new information. We try to bring clips to the audience that say, OK, if you're going to watch this five times, then you might not see this until the fifth time...But if you're going to see it

that many times, I'm going to give you something else to look at, or a new way to look at it. The new information is something visually related in a positive fashion either with or against the story line.

What we're doing is just the opposite of the classical musical of the '30s and '40s. Until more artists specifically write the music to the video, we're actually scoring the existing music—with picture and visuals—which some artists write more visually than others. By scoring the music to the picture, we get a new form where the song itself becomes the continuity, and allows greater freedom of the visuals. In *Elephant Parts*, as random as it was, I thought myself that the music was really the backbone of the piece. It gave the viewer the relief he needed from the comedy that we tried to keep as rapid as we could. There was a continuity that came out of the music which allowed us to take characters from the other bits and put them into the musical.

The music allowed the viewer to dance visually literally all over the place, or step into an elevator and go sideways, but still hang on to where he was going.

As video music grows, it will bring with it the advent of the video artist, and he will become the classical musical visualist. A piece we did using elements of video art, called *Light*, was closer to music than any one we had done previously. The light actually became the music. More linear pieces, like *Magic* and *Rio*, took the viewer on definite visual rides. *Light* played closest to putting mental pictures in the mind of the viewer.

I don't think video music is going to replace audio recording or music as we know them today—I think that's too far to go. But as musicals appear to be making a comeback into their own as an established American phenomena, I think in some small way video music will become more highly developed than the audio-only recording.

### About the author

Bill Dear is the founder of Dearfilm, where he writes features, cable television specials, home video programs and short films. Dear directed and co-wrote *Elephant Parts* with Michael Nesmith, which won the first Grammy award for video of the year. He works on occasional commercials, and received the 1979 Gold Caddy Award for Creative Advertising for a public service spot for the Detroit and San Francisco Institute of the Arts.

Besides working on films for Dearfilm, Bill is heavily involved in a number of projects, including feature films. Most recently, he directed and co-wrote his first feature, *Timerider—The Adventure of Lyle Swan*, to be released this summer. Additional projects Dear has worked on: *An Evening with Sir William Martin*, Kim Carnes' *More Love* video promo clip for EMI, *Gallagher—An Uncensored Evening*, *Renaissance Center*, for the Ford foundation, which won eight awards; and a short film, *Mr. Gray*, which won the Jury Award Gold Medal at the Atlanta Film Festival. Recent video music work includes the rock groups *Survivor*, *Cheap Trick* and *Juice Newton*.

**Editor's note:** *Viewfinder* provides a forum for industry experts to share ideas with other video professionals. **Video Systems** welcomes your comments. Send your ideas to: *Viewfinder*, Video Systems, P.O. Box 12901, Overland Park, KS 66212.